

## WALPOLE PLANNING BOARD MINUTES OF JANUARY 21, 2016

A regular meeting of the Walpole Planning Board was held on Thursday, January 21, 2016 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca (7:13 p.m.); Elizabeth Dennehy, Community Development Director; Margaret Walker, Town Engineer.

Mr. Conroy opened the meeting at 7:05 p.m.

**Minutes:** Mr. Conroy moved to accept the minutes of December 17, 2015. Motion seconded by Mr. Nottebart and voted 3-0-0.

**ANR –DiSangro, Production Road:** Ms. Dennehy stated they have the required frontage, area and access; therefore, they meet the criteria for an ANR. Mr. Conroy moved to endorse an ANR plan entitled “Plan of Land on Production Road in Walpole, MA” prepared for John & Pauline DiSangro, 11 Surrey Road, Norwood, MA by Gallagher Engineering, 4 Windsor Drive, Foxboro, MA and dated January 4, 2016 finding Form A in order and subdivision control not required. Motion seconded by Mr. Nottebart and voted 3-0-0.

The owner’s title to the land is derived under deed from FDIC and Subon Company dated July 26, 1994 and October 12, 2006 and recorded in Norfolk County Registry of Deeds, Book 10604 and 24158, Pages 421 and 347. Said property is shown as Assessors’ map 46, Lots 21, 22, 28, 29, and 33, Zoning District Industrial, WRPOD Areas 3 and 4. The purpose of this plan is to create six (6) new lots, Lots 1D, 2E, 2F, 4A, 12A, and 14A.

No determination as to compliance with all zoning requirements has been made by the Walpole Planning Board.

**Brush Hill Subdivision Discussion:** John Hasenjaeger asked to reconfirm a previous decision regarding putting chain link on the top of the walls instead of wooden guard rails.

Mr. Mazzocca arrived at 7:13 p.m.

Ms. Walker stated that the plan requires a heavy metal guard rail. She questioned what is on Berkeley Drive and Mr. Hasenjaeger stated there is 2’ of concrete and 4’ of fencing. Ms. Walker wants what is on Berkeley. Mr. Nottebart moved to install four sections of coated chain link fence in lieu of what is on the plan. Motion seconded by Mr. Conroy and voted 5-0-0.

**Atlantic Court Extension:** Mr. Conroy moved to re-endorse a Form I to release the Form F covenant for Lots 1, 2, 3 and 4. Motion seconded by Mr. Nottebart and voted 4-0-0. The Form I was originally endorsed on May 21, 2015 in consideration of an alternative performance guarantee to secure the construction of ways and installation of municipal services required by the covenant dated March 14, 2011 and recorded in Norfolk Registry of Deeds Book 29237,

Page 182 for the plan entitled Atlantic Court (Extension) recorded with said Registry of Deeds, Plan Book 610, Plan 80-82 releasing Lot 1, 2, 3, 4, and Atlantic Court (Extension).

**Commerford's Corner:** Ms. Walker updated the board.

**Open Space Study:** Ms. Dennehy stated she will rewrite this and present it to the board in a red-line format. Mr. Conroy stated we will talk about it after the board receives it. He asked about the Rules and Regulations. Ms. Dennehy stated that between now and the February 18 meeting, she will start updating them. She asked that it be put on every agenda going forward until we are done. Mr. Nottebart asked if that includes the fee schedule and Ms. Dennehy stated yes. She reminded the board she will not be at the February 4<sup>th</sup> meeting.

**7:30 p.m. 54 Peach Street Continued Hearing:** Atty. James Brady, Main Street, represented the applicant, Mr. Adams. John Glossa, Glossa Engineering was also present. Atty. Brady stated he submitted the covenant and easements and everything is ok. This is a two-lot subdivision and the addresses will be Peach Street. Mr. Glossa stated they added a hammerhead turn around dedicated for safety use as suggested by Deputy Fire Chief Laracy. That was the only change to the plan. The drainage didn't change. The house will connect to sewer and water as already proposed. Mr. Nottebart asked what the revision date is and Atty. Brady stated December 4, 2015. Ms. Walker stated her last concerns were the documents and she is all set. Mr. Conroy stated the board received a letter dated January 1, 2016 from Robert O'Leary, Washington Street, questioning the waivers, Parcel A and if this will set a precedent. Mr. Conroy stated we don't set precedent. Atty. Brady stated the covenants that were drafted and reviewed by Ms. Walker require that Morrissey Lane will remain a private way. Ms. Dennehy stated she is all set and everything appears to be in order. Ms. Walker stated she is all set. Mr. Mazzocca stated that Mr. O'Leary does make some good points. There are a lot of waivers here and there is no frontage on Peach Street. Atty. Brady asked if he was not in favor of this. Mr. Mazzocca stated his issue is the width of the driveway. He stated that this meeting is being recorded and asked if Liz Gaffey could review the tape and then vote. Mr. Conroy stated no as we don't have the Mullin Rule. Atty. Brady asked what would work for the width of the driveway. Mr. Mazzocca questioned the width we approved on Fisher Street. Mr. Glossa stated it was Swan Meadows and the width was 18', but this one is only 12', but has 3' of grass on either side. One of the differences between this subdivision and Mr. McGrath's on Fisher Street is that Mr. McGrath's was for two houses and this one is for one, similar to Sardella Way, Ice House Way and Linden Way. Mr. Glossa feels it has to do with the number of houses. If one house, 12' would be okay and for two houses there should be 18'-20'. Mr. Mazzocca stated he would like to push this ahead to the next hearing. Mr. Conroy stated he was not at the first meeting, so there will be only three members voting on this as Ms. Gaffey is not present tonight. Atty. Brady stated he thought that Liz Gaffey was comfortable with this now. If they widen this to a 14' road, would you be okay. Mr. Mazzocca stated he would. Atty. Brady stated 14' would be acceptable to his client. They will widen this to a 14' paved road with 3' on either side which

is 20' total. Mr. Murtagh feels that is a substantial roadway and he is comfortable with that. Mr. Nottebart agrees. Atty. Brady stated he will make the changes to the documents.

There were no public comments.

Mr. Conroy moved to close the hearing. Motion seconded by Mr. Nottebart and voted 4-0-0.

Ms. Dennehy stated that this will be voted with all the board's standard conditions and prior to endorsement updated plans will be shown to the board showing a 14' driveway with 3' shoulders on each side. Mr. Conroy read Ms. Dennehy's letter regarding five special conditions.

Mr. Conroy moved to accept all five special conditions as per Ms. Dennehy's letter. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to grant waivers from Section 3-17; 3-1-C8; 4-2-C; 4-4; 4-5-h; 6; 5-1; 5-6-A; 5-6-B; 5-7-A through D; 5-8; 5-9; 5-12; and a scale of 1"=30' in lieu of 1"=40'. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to approve the subdivision with phasing, standard conditions and special conditions. Motion seconded by Mr. Nottebart and voted 4-0-0.

**7:58 p.m. High Meadows Subdivision Continued Hearing:** Mr. Conroy moved to accept an extension of time up to and including March 31, 2016 as requested by the applicant's engineer, Rob Truax. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to continue this hearing without testimony due to a four person board being present tonight to February 18, 2016 at 7:45 p.m. as requested by Mr. Truax. Motion seconded by Mr. Nottebart and voted 4-0-0.

**8:00 p.m. Jiten Hotel, Case No. 15-15 Site Plan Approval and Special Permit, Case No. 15-14, Route 1:** The applicant was represented by Atty. William O'Connell, Main Street. He stated they would like to proceed with the site plan tonight and open the special permit another night as there are only four members present. Mr. Conroy moved to continue the Jiten Hotel Special Permit, Case No. 15-14 to February 4, 2016 at 8:00 p.m. as requested by the applicant's attorney. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Conroy opened the public hearing for Jiten Hotel, Site Plan Approval, Case No. 15-15 and read the public hearing notice with regard to the site plan request. Atty. O'Connell introduced the applicant and stated they own and operate three other hotels, two in Boston and one in Raynham. He also introduced Drew Garvin, the engineer and Jeff Kirk, Traffic Engineer. Phase I will be the hotel; Phase II will be retail. They are located in the WRPOD 3. The hotel will have 116 rooms with parking. There is a site plan for stadium parking with 77 spaces. He stated they have met with Ms. Dennehy and Ms. Walker and have been before the Conservation Commission for a land disturbance permit. He feels this project meets the necessary criteria. They have met with the neighbors concerning lighting and landscaping. Groundwater was addressed along with the land disturbance meeting and stormwater management has also been addressed.

Drew Garvin, R. K. Holmgren stated there is an existing curb cut entering the site there now which services the 77 event parking spaces. They are proposing a second entrance and have applied for a MA Dot permit. The facility will be serviced by an existing sewer line that is on the perimeter of the site. The water line was originally going to tie in 500' up the road; however, there is an existing loop from Jason's Path to Irving Drive and also there is a dedicated easement, which dates back to the late 1990's. Therefore, they are going to abandon the Route 1 service. The drainage for the site is fairly simple as all of the ground water will be recharged back into the ground to satisfy the WRPOD. They have about 50 surplus parking spaces. They did meet with the abutters at the beginning of this process to get them on board with this project. Their main concern was screening and there will be a fence along the perimeter of the property. There is a good size germ on the back of the property with natural screening.

Jeff Kirk stated they feel this will add about 100 more cars. They did commit to making some signal timing changes. Before any certificate of occupancy is issued, the town will have an opportunity to review the plans and they will implement any changes. There will be a 10' buffer before a car enters into the traffic. They measured 650' sight line and Ms. Walker asked them to plot it. They are also looking at this on a game day. This is documented and drawings given to the town engineer. They made application for two permits to MA Dot – an access permit and a traffic signal regulation permit to allow a modification to the traffic signal. There is a side walk and the crossings will be ADA compliant. The town engineer had questioned a de-acceleration lane, but the breakdown lane is used as an active lane on a game day and as a de-acceleration lane on a non-game day. He discussed the traffic threshold and he stated the project generates just over 1,000 vehicle trips but the increase in parking is below 150 spaces. Mr. Nottebart asked if they can jump into the northbound lane and Mr. Kirk stated no they can't turn left. Mr. Murtagh stated this project will enhance this area. He talked to some Jason's Path neighbors and they were happy to be included in the project. Mr. Mazzocca asked the distance from the exit to Route 1 and Mr. Kirk stated it is a long distance.

Mr. Conroy read board comments. Ms. Dennehy addressed her comments. She stated they did come in for a preliminary meeting. Everything appears to be in good order for the site plan. There is more than adequate parking and screening and there are no sight issues. They did provide the landscaping and lighting plan and a very detailed planting plan. She is satisfied with everything. Ms. Walker questioned the water line and asked how it will be brought in. She is not sure if the board can vote tonight. She asked how this site plan will affect the site plan that is already in effect. Mr. Garvin stated there will be phasing. Mr. Conroy asked if they will build the hotel first and then the retail. Mr. Garvin stated yes. Mr. Conroy stated everything was designed at the Walpole Mall on a pad, except Taco Bell. That way the whole site was designed at once. They could do it that way. Mr. Garvin stated that what is in front of the board is a two-phase project. Atty. O'Connell stated they would like to break ground in the spring. Mr. Jiten stated they have no tenants yet, but the hotel will be done first. Atty. O'Connell stated they feel it will be great revenue for the town. They would realize some revenue from the stadium

parking to help offset some of the costs. Mr. Conroy stated the previous owner was before our board because there was nothing there before. They did meet with the abutters with this plan and they have to meet with the Board of Selectmen and apply for parking with them.

Mr. Garvin stated once the ground is broken, they will resubmit to the Selectmen. Ms. Dennehy suggested this hearing be continued. Mr. Nottebart asked if the people who abut this are on Jason's Path and Mr. Garvin stated yes. Mr. Jiten stated he is in talks to put in a Hilton Hotel. Mr. Mazzocca liked the elevation profile they provided. He questioned signage. Mr. Jiten stated it will only be on the building. Mr. Garvin stated nothing specific has been proposed yet. Ms. Dennehy stated it will be in accordance with the Zoning Bylaw. Mr. Nottebart thinks this is a great project and asks that consideration be given to the neighbors with regard to noise and HVAC. Mr. Mazzocca asked if there are any plans to put a restaurant in the hotel and Mr. Jiten stated no, just a complimentary breakfast only. Mr. Murtagh asked if it would be a Hilton or a Marriott and Mr. Garvin stated he doesn't know yet. Mr. Murtagh questioned the outside façade and Mr. Conroy asked if that will depend on who they go with. Mr. Garvin stated yes. Mr. Jiten stated it will be mostly stone and metal.

Mr. Conroy asked for public comments.

Bill Hamilton, Precinct 5 stated that game days and concert days both need to be considered. He asked if there will be parking there for concerts. Mr. Jiten stated his main concern is to accommodate their guests. He is not sure if they will have extra space, but will file with the Selectmen. Mr. Hamilton asked if they are considering that right now and Mr. Jiten stated not at the moment. Mr. Hamilton questioned one exit in and one exit out and Mr. Kirk explained the flow of traffic. Mr. Hamilton stated there is risky behavior with people jumping lanes. He asked if there will be liquor at the hotel and Mr. Jiten stated no, but people can bring their own in.

Mr. Conroy continued this hearing to February 4, 2016 at 8:01 p.m. and reminded them the special permit was continued to the same date at 8:00 p.m.

**8:55 p.m. Roscommon Subdivision (new):** Mr. Conroy read a letter dated December 30, 2015 from Atty. Johanna Schneider requesting not to open tonight and continue to February 4, 2016. Ms. Dennehy stated she will not be at the February 4<sup>th</sup> meeting, but has submitted her comments on this subdivision and also Olmsted Estates. Mr. Conroy stated that Ms. Dennehy is our main person and if she is not here at our opening meeting, the neighbors will ask where she is. Ms. Dennehy asked if both Olmsted and Roscommon can both be on February 18<sup>th</sup> and Mr. Conroy stated no because we have a full agenda that night due to the continuances of several special permits that were scheduled but did not go forward due to a four person board. Mr. McEntee, the applicant, feels there is a lot of ground to be covered on the 4<sup>th</sup> and they will probably be continued to the first meeting in March. Mr. Conroy stated the best we can do is March 3 as we are full on February 4<sup>th</sup>. Mr. Nottebart stated he feels for the applicant and doesn't want to push people too far out. The board felt we could handle this hearing with Ms.

Dennehy not being present. Mr. Conroy stated that Roscommon should have waited until Olmsted was done; now, they are going to tell me how they want to have the agenda set. Ms. Dennehy again asked if there is room on February 18<sup>th</sup> and Mr. Conroy again stated no. Ms. Dennehy stated that Mr. Glossa just brought in plans for Roscommon today and Olmsted Estates tonight at the meeting. Mr. Conroy stated once again they handed out new plans at the last minute. Mr. McEntee stated they are trying to comply. Mr. Conroy stated that nothing in Johanna's letter states they are syncing these up. Mr. McEntee stated Ilana Quirk will be here also. Mr. Conroy stated she will be here to observe. Ms. Dennehy will be our paid person. He stated if they want to sync these two up then do them the first week of March. Mr. Murtagh asked about a special meeting and Mr. Conroy stated he will not do that. We haven't held them up tonight. They choose to not go forward tonight. Mr. McEntee stated they are trying to respect what the board wants. Mr. Murtagh asked Ms. Dennehy for her opinion. She thinks the two should be synced, but understands what Mr. Conroy is saying. Mr. Conroy stated if they want to open together, it would have to be our March 3, 2016 meeting. Mr. Nottebart stated he would be in favor of adding them to our February 4<sup>th</sup> agenda. Ms. Dennehy suggested that Olmsted open on February 4<sup>th</sup>; continue Roscommon tonight to March 3, 2016 and Olmsted to March 3, if continued.

Mr. Conroy continued this hearing to March 3, 2016 at 7:45 p.m.

**9:10 p.m. Meadowbrook, 164 Pine Street, Site Plan Continued Hearing, #15-6; Special Permit Continued Hearing, #15-7; Special Permit Continued Hearing #15-8:** On January 19, 2016, Ms. Verderber sent an email requesting that this hearing be continued to February 18 and also granted the board an extension of time up to and including April 29, 2016. Mr. Conroy moved to accept an extension of time up to and including April 29, 2016. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy continued these hearings without testimony as requested as only four members are present. Mr. Conroy continued these hearings to February 18, 2016 at 7:31 p.m., 7:32 p.m. and 7:33 p.m.

Mr. Nottebart moved to adjourn. Motion seconded by Mr. Murtagh and voted 5-0-0. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 2/4/16